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11 **BEFORE THE**
12 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
14 **STATE OF CALIFORNIA**

15 In the Matter of the Accusation Against: Case No. 1D 2000 62689

16 JACK LOW, R.P.T.
17 3100 Telegraph Avenue, Suite 100
18 Oakland, CA 94609

19 License No. PT 2036

20 **STIPULATION RE SURRENDER**
21 **OF PHYSICAL THERAPY**
22 **LICENSE**

23 Respondent.

24 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties
25 **to the above-entitled proceedings, that the following matters are true:**

26 **PARTIES**

1. Complainant Steve Hartzell is the Executive Director of the Physical
Therapy Board of California who brought this action solely in his official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by
Lawrence Mercer, Deputy Attorney General.

2. Respondent Jack Low, R.P.T., is represented in this matter by his
attorneys Garrick S. Lew, Esq. and Minami, Lew & Tamaki, whose address is 360 Post Street,
8th Floor, San Francisco, CA 94108.

3. At all times relevant herein, respondent has been licensed as a physical

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2 therapist by the Physical Therapy Board under License no. 2036.

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4 **JURISDICTION**

5 4. Accusation No. 1D 2000 62689 was filed before the Board and is
6 currently pending against respondent. The Accusation, together with all other statutorily
7 required documents, was duly served on respondent on January 8, 2003, and respondent timely
8 filed his Notice of Defense contesting the Accusation. The Accusation was duly amended and
9 served on June 2, 2003, and a copy of First Amended Accusation No. 1D 2000 62689 is attached
10 as Exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has fully and completely discussed with his counsel the nature
13 of the charges alleged in the Accusation and the effects of this Stipulation.

14 6. Respondent understands that the charges and allegations in the
15 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his physical
16 therapy license. Respondent is fully aware of his legal rights and that, but for this Stipulation, he
17 would be entitled: 1) to a hearing on the charges and allegations in the Accusation; 2) to be
18 represented by counsel, at his expense, in all proceedings in this matter; 3) to confront and cross-
19 examine the witnesses against him; 4) to present evidence on his own behalf and to the issuance
20 of subpoenas to compel the attendance of witnesses and the production of documents; 5) to
21 reconsideration and appeal of an adverse decision; and 6) all other rights accorded pursuant to
22 the California Administrative Procedure Act and other applicable laws.

23 7. With these rights in mind, respondent freely, voluntarily, knowingly and
24 intelligently waives and gives up each and every right set forth above.

25 **ACKNOWLEDGMENTS**

26 8. Respondent understands and agrees that he has been charged with
27 violations of Penal Code sections 550 and 487 in a criminal complaint now pending in the

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2 Superior Court in and for the City of San Francisco. Respondent agrees that the violations
3 charged are substantially related to the qualifications, functions or duties of a physical therapist.
4 By entering a plea of guilty to one or more counts of the criminal complaint, respondent admits
5 that his license is subject to disciplinary action by the Physical Therapy Board.

6 9. Respondent desires and agrees to surrender his physical therapy license
7 for the Board=s formal acceptance, thereby giving up his right to practice physical therapy in the
8 State of California.

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RESERVATION

10 10. The admissions made by respondent herein are only for the purposes of
11 this proceeding or any other proceedings in which the Physical Therapy Board of California or
12 other professional licensing agency in any state is involved, and shall not be admissible in any
13 other criminal or civil proceedings.

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CONTINGENCY

15 11. This Stipulation shall be subject to the approval of the Board.
16 Respondent understands and agrees that Board staff and counsel for complainant may
17 communicate directly with enforcement attorneys and personnel regarding this stipulation,
18 without notice to or participation by respondent or his counsel. If the Board fails to adopt this
19 Stipulation as its Order in this matter, the Stipulation shall be of no force or effect; it shall be
20 inadmissible in any legal action between the parties; and the Board shall not be disqualified
21 from further action in this matter by virtue of its consideration of this Stipulation.

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AGREEMENT AND ORDER

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IT IS THEREFORE AGREED UPON AND ORDERED as follows:

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25 1. **SURRENDER.** Respondent hereby agrees to surrender his wall and
26 wallet physical therapy certificates and all other indicia of his right to practice physical therapy
in the State of California to the Physical Therapy Board or its representative on or before the
effective date of this decision, and the Board agrees to accept this surrender in resolution of this

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2 matter.

3 2. **COST RECOVERY**. Respondent agrees that he shall reimburse the
4 Physical Therapy Board in the amount of \$_____ for its costs of investigation and
5 prosecution.

6 3. **REINSTATEMENT**. Respondent fully understands and agrees
7 that if he ever files an application for relicensure or reinstatement in the State of California, the
8 Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws,
9 regulations and procedures for reinstatement of a revoked license in effect at the time any
10 petition is filed, and all of the allegations and causes for discipline contained in the First
11 Amended Accusation, attached hereto, will be deemed to be true, correct and admitted by
12 respondent for purposes of the Board=s determination whether or grant or deny the petition.
13 Respondent agrees that he will not petition for reinstatement for at least three (3) years following
14 the effective date of this decision. Respondent hereby waives any time-based defense he might
15 otherwise have to the charges contained in Amended Accusation No. 1D 2000 62689 including,
16 but not limited to, the equitable defense of laches.

17 4. Respondent understands that by signing this stipulation, he is enabling the
18 Physical Therapy Board to issue its order accepting the surrender of his license without further
19 process. He further understands that upon acceptance of this stipulation by the Board, he will no
20 longer be permitted to practice as a physical therapist in the State of California.

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ACCEPTANCE

I have read the above Stipulation for Surrender of Certificate, and I have fully discussed the terms with my attorney, Garrick S. Lew, Esq. With full knowledge of the force and effect of this Stipulation, I do hereby agree to surrender my physical therapy License no. 2036 to the Physical Therapy Board, Department of Consumer Affairs, for its formal acceptance. By signing this Stipulation, I recognize that as of the effective date of its formal acceptance by the Board, I will lose all rights and privileges to practice as a physical therapist in the State of California. I enter into this Stipulation freely, knowingly, intelligently and voluntarily.

DATED:December 10, 2003

Original Signed By:
JACK LOW, R.P.T.
Respondent

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I have fully discussed with respondent Jack Low, R.P.T., the terms and conditions and other matters contained in the above Stipulation for Surrender of Physical Therapy License and approve of it as to form and content.

DATED:December 10, 2003

MINAMI, LEW & TAMAKI

Original Signed By:
GARRICK S. LEW, ESQ.
Attorney for Respondent

Faxed signatures shall be as binding as original signatures, per agreement of all parties.

ENDORSEMENT

The foregoing Stipulation for Surrender of Physical Therapy License is hereby respectfully submitted for consideration of the Physical Therapy Board, Department of Consumer Affairs.

DATED: December 21, 2003

BILL LOCKYER, Attorney General
of the State of California

Original Signed By:
LAWRENCE MERCER
Deputy Attorney General

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**DECISION AND ORDER OF THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

The surrender of physical therapy License No. 2036 by respondent Jack Low,
R.P.T., is accepted by the Physical Therapy Board of California, Department of Consumer
Affairs.

This decision shall become effective on the 15th day of
January, 2003.

IT IS SO ORDERED this 15th day of January, 2003.

Original Signed By Donald Chu, PhD
**FOR THE PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

Exhibit A: Accusation

LAM\Low.stp
7/2003

Exhibit A:
Accusation in Case No. 1D 2000 62689